

Please type a plus sign (+) inside this box →

PTO/SB/50 (02-01)

Approved for use through 01/31/2004. OMB 0651-0033

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REISSUE PATENT APPLICATION TRANSMITTAL

Address to: Commissioner for Patents Mail Stop Reissue P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No.	47097-00057USPR
	First Named Inventor	Toby R. Thomas
	Original Patent Number	6,279,298
	Original Patent Issue Date (Month/Day/Year)	August 28, 2001
	Express Mail Label No.	EL 831842095 US, filed 8/25/03

APPLICATION FOR REISSUE OF:

(check applicable box) Utility Patent Design Patent Plant Patent

APPLICATION ELEMENTS (37 CFR 1.173)		ACCOMPANYING APPLICATION PARTS	
1. <input checked="" type="checkbox"/> Fee Transmittal Form (PTO/SB/56) <i>(Submit an original, and a duplicate for fee processing)</i>	10. <input checked="" type="checkbox"/> Statement of status/support for all changes to the claims. See 37 CFR 1.173(c).		
2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.	11. <input type="checkbox"/> Original U.S. Patent for surrender <input type="checkbox"/> Ribboned Original Patent Grant <input type="checkbox"/> Statement of Loss (PTO/SB/55)		
3. <input checked="" type="checkbox"/> Specification and Claims in double column copy of patent format (<i>amended, if appropriate</i>)	12. <input type="checkbox"/> Foreign Priority Claim (35 U.S.C. 119) <i>(if applicable)</i>		
4. <input checked="" type="checkbox"/> Drawing(s) (<i>proposed amendments, if appropriate</i>)	13. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations		
5. <input checked="" type="checkbox"/> Reissue Oath/Declaration (original or copy) (37 CFR 1.175(PTO/SB/51 or 52)	14. <input type="checkbox"/> English Translation of Reissue Oath/Declaration <i>(if applicable)</i>		
6. <input checked="" type="checkbox"/> Power of Attorney	15. <input checked="" type="checkbox"/> Preliminary Amendment		
7. Original U.S. Patent currently assigned? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>(If Yes, check applicable box(es))</i>	16. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i>		
<input type="checkbox"/> Written Consent of all Assignees (PTO/SB/53)	17. <input checked="" type="checkbox"/> Other <u>Check No. 131661 for \$2,472.00</u> <u>Offer To Surrender The Original Patent</u>		
<input type="checkbox"/> 37 CFR § 3.73(b) Statement <i>(PTO/SB/96)</i>			
8. <input type="checkbox"/> CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table			
9. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all of the following are necessary)</i>			
a. <input type="checkbox"/> Computer Readable Form (CFR)			
b. Specification Sequence Listing on:			
i <input type="checkbox"/> CD-ROM (2 copies) or CD-R (2 copies); or			
ii <input type="checkbox"/> paper			
c. <input type="checkbox"/> Statements verifying identity of above copies			

15. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	30,223	or <input type="checkbox"/> Correspondence address below			
(Insert Customer No. or Attach bar code label here)					
NAME	Daniel J. Burnham				
ADDRESS	Jenkens & Gilchrist				
	225 West Washington Street, Suite 2600				
CITY	Chicago	STATE	Illinois	ZIP CODE	60606-3418
COUNTRY	USA	TELEPHONE	(312) 425-3900	FAX	(312) 425-3909
Name (Print/Type)	Daniel J. Burnham		Registration No. (Attorney/Agent)	39,618	
Signature			Date	August 25, 2003	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Reissue, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

REISSUE APPLICATION FEE TRANSMITTAL FORM				Docket Number (Optional) 47097-00057USPR			
Claims as Filed – Part 1							
Claims in Patent		Number Filed in Reissue Application	(3) Number Extra	Small Entity		Other Than A Small Entity	
				Rate	Fee	or	Rate
(A) 16	Total Claims (37 CFR 1.16(j))	(B) 69	= 49	x \$ 9 =			x \$18 =
(C) 4	Independent claims (37 CFR 1.16(i))	(D) 14	= 10	x \$42 =		x \$84 =	\$ 840
Basic Fee (37 CFR 1.16(h)) \$						\$ 750	
Total Filing Fee \$						or	\$ 2,472
Claims as Amended – Part 2							
(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other Than A Small Entity	
				Rate	Fee	or	Rate
Total Claims (37 CFR 1.16(j))	***	minus	**	* =	x \$ 9 =		x \$ 18 =
Independent Claims (37 CFR 1.16(i))	***	minus	*****	=	X \$42 =	x \$84 =	
Total Additional Fee \$						Or	\$

* If the entry in (D) is less than the entry in (C), write "0" in column 3.
 ** If the "Highest Number of Total Claims Previously Paid For" is less than 20, write "20" in this space.
 *** After any cancellation of claims.
 **** If "A" is greater than 20, use (B-A); if "A" is 20 or less, use (B-20).
 ***** "Highest Number of Independent Claims Previously Paid For" or "Claims in Patent" (C).

Applicant claims small entity status. See 37 CFR 1.27.
 Please charge Deposit Account No. _____ in the amount of _____.
 A duplicate copy of this sheet is enclosed.
 The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account No. 10-0447 (47097-00057USPR)
 A duplicate copy of this sheet is enclosed.
 A check in the amount of \$2,472.00 to cover the filing/additional fee is enclosed.
 Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Date: August 25, 2003


Daniel J. Burnham, Reg. No. 39,618

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Mail Stop Reissue, P.O. Box 1450, Alexandria, VA 22313-1450.

U.S. PATENT DOCUMENTS

3,326,399	6/1967	Ausnit .	4,101,355	7/1978	Ausnit	156/66	
3,338,285	8/1967	Jaster .	4,112,990	9/1978	Anderson .		
3,339,606	9/1967	Kugler .	4,118,166	10/1978	Bartrum .		
3,368,740	2/1968	Rohde .	4,153,090	5/1979	Rifkin .		
3,371,696	3/1968	Ausnit .	4,189,050	2/1980	Jensen et al. .		
2,560,535	7/1951	Allen .	4,189,809	2/1980	Sotos .		
2,848,031	8/1958	Svec et al. .	4,191,230	3/1980	Ausnit .		
2,898,027	8/1959	Scholle .	4,196,030	4/1980	Ausnit .		
2,978,769	4/1961	Harrah .	4,212,337	7/1980	Kamp .		
2,994,469	8/1961	Troup et al. .	4,235,653	11/1980	Ausnit .		
3,054,434	9/1962	Ausnit et al. .	4,240,241	12/1980	Sanborn, Jr. .		
3,104,798	9/1963	Stone .	4,241,865	12/1980	Ferrell .		
3,172,443	3/1965	Ausnit .	4,246,288	1/1981	Sanborn, Jr. .		
3,181,583	5/1965	Lingenfelter .	4,249,982	2/1981	Ausnit .		
3,198,228	8/1965	Nail .	4,252,238	2/1981	Spiegelberg et al. .		
3,226,787	1/1966	Ausnit .	4,277,241	7/1981	Schulze .		
3,256,981	6/1966	Kurtz .	4,279,677	7/1981	Takahashi .		
3,259,951	7/1966	Zimmerman	24/399	4,285,376	8/1981	Ausnit .	
3,262,634	7/1966	Goodwin .	4,295,919	10/1981	Sutrina et al. .		
3,282,493	11/1966	Kamins et al. .	4,309,233	1/1982	Akashi .		
3,313,471	4/1967	Dickard et al. .	4,341,575	7/1982	Herz .		
3,325,084	6/1967	Ausnit .	4,355,494	10/1982	Tilman .		
3,381,592	5/1968	Ravel .	4,363,345	12/1982	Scheibner .		
3,387,640	6/1968	Butler .	4,372,793	2/1983	Herz .		
3,416,986	12/1968	Carley .	4,379,806	4/1983	Korpman .		
3,417,675	12/1968	Ausnit .	4,415,386	11/1983	Ferrell et al. .		
3,425,469	2/1969	Ausnit .	4,419,159	12/1983	Herrington .		
3,426,396	2/1969	Laguerre	24/427	4,428,477	1/1984	Cristofolo .	
3,437,258	4/1969	Kugler	229/58	4,428,788	1/1984	Kamp .	
3,456,867	7/1969	Repko .	4,430,070	2/1984	Ausnit .		
3,460,337	8/1969	Feild .	4,437,293	3/1984	Sanborn, Jr. .		
3,462,068	8/1969	Suominen .	4,446,088	5/1984	Daines	264/155	
3,471,005	10/1969	Sexstone .	4,490,959	1/1985	Lems	53/459	
3,473,589	10/1969	Gotz .	4,497,678	2/1985	Nussbaum .		
3,532,571	10/1970	Ausnit .	4,498,939	2/1985	Johnson .		
3,535,409	10/1970	Rohde .	4,514,962	5/1985	Ausnit	53/457	
3,543,343	12/1970	Staller et al. .	4,515,647	5/1985	Behr .		
3,565,147	2/1971	Ausnit .	4,517,788	5/1985	Scheffers .		
3,608,439	9/1971	Ausnit .	4,518,087	5/1985	Goglio .		
3,613,524	10/1971	Behr .	4,522,305	6/1985	Jacobsson .		
3,619,395	11/1971	Skendzic .	4,528,224	7/1985	Ausnit .		
3,625,270	12/1971	Skendzic .	4,540,537	9/1985	Kamp .		
3,633,642	1/1972	Slegel .	4,555,282	11/1985	Yano .		
3,640,381	2/1972	Kanada et al.	229/206	4,561,109	12/1985	Herrington .	
3,655,503	4/1972	Stanley et al. .	4,563,319	1/1986	Ausnit et al. .		
3,679,511	7/1972	Ausnit	156/251	4,573,203	2/1986	Peppiatt .	
3,701,191	10/1972	Laguerre	29/768	4,581,006	4/1986	Hughes et al. .	
3,701,192	10/1972	Laguerre .	4,582,549	4/1986	Ferrell .		
3,711,011	1/1973	Kugler .	4,584,201	4/1986	Boston .		
3,722,672	3/1973	Ebata .	4,586,319	5/1986	Ausnit	53/468	
3,738,567	6/1973	Ruda	383/75	4,589,145	5/1986	Van Erden et al. .	
3,744,211	7/1973	Titchenal et al.	53/459	4,601,694	7/1986	Ausnit .	
3,746,215	7/1973	Ausnit et al. .	4,602,405	7/1986	Sturman et al. .		
3,780,781	12/1973	Uramoto .	4,612,153	9/1986	Mangla	264/154	
3,785,111	1/1974	Pike .	4,615,083	10/1986	Mayerhofer .		
3,790,992	2/1974	Herz	24/400	4,617,683	10/1986	Christoff .	
3,815,317	6/1974	Toss	53/451	4,620,320	10/1986	Sullivan .	
3,817,017	6/1974	Titchenal	53/437	4,638,913	1/1987	Howe, Jr. .	
3,818,963	6/1974	Whitman .	4,646,511	3/1987	Boeckmann et al.	53/551	
3,827,472	8/1974	Uramoto .	4,651,504	3/1987	Bentsen .		
3,839,128	10/1974	Arai .	4,652,496	3/1987	Yasufuku et al.	428/425.9	
3,868,891	3/1975	Parish	493/194	4,654,878	3/1987	Lems	383/37
3,903,571	9/1975	Howell .	4,655,862	4/1987	Christoff et al. .		
3,909,887	10/1975	Yoshida .	4,656,075	4/1987	Mudge .		
3,948,705	4/1976	Ausnit .	4,663,915	5/1987	Van Erden et al. .		
3,953,661	4/1976	Gulley .	4,664,649	5/1987	Johnson et al. .		
3,988,184	10/1976	Howard	156/66	4,665,552	5/1987	Lems et al.	383/37
3,991,801	11/1976	Ausnit .	4,666,536	5/1987	Kamp	383/63	
4,003,972	1/1977	Herz .	4,673,383	6/1987	Bentsen .		
4,094,729	6/1978	Boccia .	4,682,366	7/1987	Ausnit et al. .		

US 6,279,298 B1

Page 3

4,691,372	9/1987	Van Erden .	5,042,224	8/1991	McMahon .
4,698,118	10/1987	Takahashi et al. .	5,046,300	9/1991	Custer et al. .
4,703,518	10/1987	Ausnit .	5,063,069	11/1991	Van Erden et al. .
4,709,398	11/1987	Ausnit .	5,063,639	11/1991	Boeckmann et al. 24/30.5 R
4,709,533	12/1987	Ausnit .	5,063,644	11/1991	Herrington et al. .
4,710,157	12/1987	Posey .	5,065,899	11/1991	Tilman .
4,713,839	12/1987	Peppiatt .	5,066,444	11/1991	Behr .
4,736,450	4/1988	Van Erden et al. .	5,067,208	11/1991	Herrington et al. .
4,736,451	4/1988	Ausnit .	5,067,822	11/1991	Wirth et al. .
4,744,674	5/1988	Nocek .	5,070,583	12/1991	Herrington .
4,755,247	7/1988	Mudge .	5,071,689	12/1991	Tilman 428/121
4,755,248	7/1988	Geiger et al. .	5,072,571	12/1991	Boeckmann .
4,782,951	11/1988	Griesbach et al. .	5,085,031	2/1992	McDonald .
4,786,190	11/1988	Van Erden et al. .	5,088,971	2/1992	Herrington .
4,787,880	11/1988	Ausnit .	5,092,684	3/1992	Weeks .
4,790,126	12/1988	Boeckmann .	5,092,831	3/1992	James et al. .
4,791,710	12/1988	Nocek et al. .	5,096,516	3/1992	McDonald et al. .
4,792,240	12/1988	Ausnit 383/63	5,100,246	3/1992	La Pierre et al. .
4,807,300	2/1989	Ausnit et al. .	5,105,603	4/1992	Natterer .
4,812,074	3/1989	Ausnit et al. .	5,107,658	4/1992	Hustad et al. .
4,817,188	3/1989	Van Erden .	5,111,643	5/1992	Hobock .
4,832,505	5/1989	Ausnit et al. .	5,112,138	5/1992	Peppiatt .
4,835,835	6/1989	Gould .	5,116,301	5/1992	Robinson et al. .
4,840,012	6/1989	Boeckmann .	5,121,997	6/1992	La Pierre et al. .
4,840,611	6/1989	Van Erden et al. .	5,127,208	7/1992	Custer et al. .
4,844,759	7/1989	Boeckmann .	5,129,734	7/1992	Van Erden .
4,846,585	7/1989	Boeckmann et al. .	5,131,121	7/1992	Herrington et al. .
4,848,064	7/1989	Lem et al. 53/459	5,147,272	9/1992	Richison et al. .
4,850,178	7/1989	Ausnit .	5,152,613	10/1992	Herrington, Jr. .
4,855,168	8/1989	Imaizumi .	5,161,286	11/1992	Herrington, Jr. et al. .
4,863,285	9/1989	Claxton 383/37	5,167,608	12/1992	Steffens, Jr. et al. 493/214
4,875,587	10/1989	Lulham et al. .	5,179,816	1/1993	Wojnicki .
4,876,842	10/1989	Ausnit .	5,186,543	2/1993	Cochran .
4,877,336	10/1989	Peppiatt .	5,188,461	2/1993	Sorensen .
4,878,987	11/1989	Ven Erden .	5,189,764	3/1993	Herrington et al. .
4,889,731	12/1989	Williams, Jr. .	5,198,055	3/1993	Wirth et al. .
4,890,935	1/1990	Ausnit et al. .	5,209,574	5/1993	Tilman 383/63
4,892,414	1/1990	Ausnit .	5,211,482	5/1993	Tilman .
4,892,512	1/1990	Branson .	5,224,779	7/1993	Thompson et al. .
4,894,975	1/1990	Ausnit .	5,247,781	9/1993	Runge .
4,895,198	1/1990	Samuelson .	5,254,073	10/1993	Richison et al. .
4,902,140	2/1990	Branson .	5,259,904	11/1993	Ausnit .
4,909,017	3/1990	McMahon et al. .	5,273,511	12/1993	Boeckmann 493/195
4,923,309	5/1990	Van Erden .	5,283,932	2/1994	Richardson et al. .
4,924,655	5/1990	Posey .	5,301,394	4/1994	Richardson et al. .
4,925,316	5/1990	Van Erden et al. .	5,301,395	4/1994	Richardson et al. .
4,925,318	5/1990	Sorensen .	5,322,579	6/1994	Van Erden 156/66
4,929,225	5/1990	Ausnit et al. .	5,334,127	8/1994	Bruno et al. 493/194
4,941,307	7/1990	Wojcik .	5,366,294	11/1994	Wirth et al. .
4,944,409	7/1990	Busche et al. .	5,383,989	1/1995	McMahon 156/66
4,945,714	8/1990	Bodolay et al. 53/568	5,391,136	2/1995	Makowka 493/210
4,947,525	8/1990	Van Erden .	5,400,565	3/1995	Terminella et al. 53/133.4
4,969,309	11/1990	Schwarz et al. .	5,400,568	3/1995	Kanemitsu et al. 53/412
4,969,967	11/1990	Sorensen et al. .	5,403,094	4/1995	Tomic 383/63
4,971,454	11/1990	Branson et al. .	5,405,478	4/1995	Richardson et al. .
4,974,395	12/1990	McMahon .	5,405,629	4/1995	Marnocha et al. 426/122
4,993,212	2/1991	Veoukas .	5,412,924	5/1995	Ausnit 53/412
5,005,707	4/1991	Hustad et al. 383/210	5,415,904	5/1995	Takubo et al. 428/35.2
5,007,142	4/1991	Herrington .	5,425,216	6/1995	Ausnit 53/410
5,007,143	4/1991	Herrington .	5,425,825	6/1995	Rasko et al. .
5,010,627	4/1991	Herrington et al. .	5,426,830	6/1995	Richardson et al. .
5,014,498	5/1991	McMahon .	5,431,760	7/1995	Donovan .
5,017,021	5/1991	Simonsen et al. .	5,435,864	7/1995	Machacek et al. .
5,020,194	6/1991	Herrington et al. .	5,442,837	8/1995	Morgan .
5,022,530	6/1991	Zieke .	5,442,838	8/1995	Richardson et al. .
5,023,122	6/1991	Boeckmann et al. .	5,448,807	9/1995	Herrington et al. .
5,024,537	6/1991	Tilman 383/63	5,448,808	9/1995	Gross .
5,027,584	7/1991	McMahon et al. .	5,456,928	10/1995	Hustad et al. .
5,033,868	7/1991	Peppiatt .	5,461,845	10/1995	Yeager 53/451
5,035,517 *	7/1991	Edelman 53/133.4	5,470,156	11/1995	May 383/210
5,036,643	8/1991	Bodolay .	5,482,375	1/1996	Richardson et al. .

US 6,279,298 B1

Page 4

5,486,051	1/1996	May .	5,669,715	9/1997	Dobreski et al. .
5,489,252	2/1996	May	5,681,115	10/1997	Diederich et al. .
5,492,411	2/1996	May	5,682,730	11/1997	Dobreski .
5,505,037	4/1996	Terminella et al.	5,704,192	1/1998	Jostler et al.
5,509,735	4/1996	May	5,711,751	1/1998	53/384.1
5,511,884	4/1996	Bruno et al.	5,713,669	1/1998	Harmanoglu
5,513,915	5/1996	May .	5,725,312	3/1998	493/224
5,519,982	5/1996	Herber et al.	5,769,772	6/1998	Thomas et al.
5,525,363	6/1996	Herber et al.	5,775,812	7/1998	383/204
5,542,902	8/1996	Richison et al.	5,776,045	7/1998	Wiley
5,551,127	9/1996	May	5,782,733	7/1998	493/189
5,551,208	9/1996	Van Erden	5,823,933	10/1998	St. Phillips et al.
5,552,202	9/1996	May	5,873,969	2/1999	383/5
5,557,907	9/1996	Malin et al.	5,906,438	5/1999	Keith et al.
5,558,613	9/1996	Tilman et al.	5,911,508	6/1999	156/91
5,561,966	10/1996	English	5,924,173	7/1999	Laudenberg
5,564,259	10/1996	Stolmeyer	5,938,337	8/1999	383/5
5,573,614	11/1996	Tilman et al.	5,956,924	9/1999	Yeager
5,582,853	12/1996	Marnocha et al.	5,964,532	10/1999	493/213
5,592,802	1/1997	Malin et al.	6,000,197	12/1999	Provant et al.
5,613,934	3/1997	May	6,017,412	1/2000	24/400
5,622,431	4/1997	Simonsen	6,088,998	7/2000	Van Erden et al.
5,625,927	5/1997	Chu .	6,131,369	10/2000	53/133.4
5,628,566	5/1997	Schreiter	6,131,374	10/2000	53/133.4
5,638,586	6/1997	Malin et al.	*	*	53/139.2
5,647,671	7/1997	May	*	*	53/139.2
5,664,299	9/1997	Porchia et al.	*	*	53/139.2

* cited by examiner

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : Not Assigned
Filed : August 25, 2003

Patent No. : 6,279,298
Granted : August 28, 2001
Patentees : Toby R. Thomas
Samuel D. Aversa
John D. Athans
Title : Fill-Through-The-Top Package And Method
And Apparatus For Making The Same

TC/A.U. : Not Assigned
Examiner : Not Assigned

Docket No. : 47097-00057USPR
Customer No. : 30223

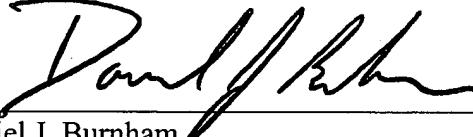
Commissioner for Patents
Mail Stop Reissue
P.O. Box 1450
Alexandria, VA 22313-1450

OFFER TO SURRENDER THE ORIGINAL PATENT (37 C.F.R. § 1.178)

Dear Sir:

The Applicants hereby offer to surrender the original patent prior to allowance of the subject reissue application.

Respectfully submitted,



Daniel J. Burnham
Reg. No. 39,618
Jenkens & Gilchrist
225 West Washington Street, Suite 2600
Chicago, IL 60606-3418
(312) 425-3900
Attorney for Applicants

Date: August 25, 2003